



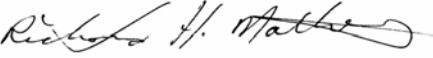
United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0268 – Room 4008-S
1400 Independence Avenue, SW.
Washington, D.C. 20250-0200

DATE: July 18, 2003

TO: USDA Accredited Certifying Agents

FROM: Richard H. Mathews 
Program Manager
National Organic Program

SUBJECT: Certification of Non-NOP Agricultural Products

The National Organic Program (NOP) has recently learned that some accredited certifying agents are certifying non-NOP agricultural product(s) produced before October 21, 2002, through a document review process. This action is prohibited and may result in the revocation of accreditation under NOP (7 U.S.C. 6519).

7 CFR §205.100(a) provides that operations that produce or handle agricultural products intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic" must be certified according to the provisions of subpart E (Certification) and must meet all other applicable requirements of 7 CFR Part 205. Neither this section nor any section within subpart E allow for retroactive certification based on a document review. For certification to be effected all applicable requirements of 7 CFR Part 205, including on-site inspections (7 CFR §205.403), are required.

7 CFR §205.100(b) does not give license to certifying agents to certify stream of commerce product as NOP compliant. The purpose to 7 CFR §205.100(b) was to provide relief to certified operations that would otherwise have incurred the costs of certification twice within one year.

Again, for certification to be effected all applicable requirements of 7 CFR Part 205, including on-site inspections (7 CFR §205.403), are required.

Certifying agents that certify stream of commerce product as NOP compliant not only risk revocation of their accreditation, they also put their client at risk for revocation of certification and civil penalties up to \$10,000 per violation.